

SB 168 B STAFF MEASURE SUMMARY

Carrier: Rep. Nosse

House Committee On Rules**Action Date:** 05/18/23**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Breese-Iverson, Fahey, Kropf, Nosse, Scharf, Valderrama, Wallan**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Melissa Leoni, LPRO Analyst**Meeting Dates:** 4/27, 5/18**WHAT THE MEASURE DOES:**

Explicitly prohibits public employee from promoting or opposing appointment, nomination, or election of a person to public office, and from promoting or opposing the filing of initiative, referendum, or recall petition, while on job during working hours or while otherwise working in official capacity. Allows public employee to communicate with separate public employee or elected official about the appointment of person to public office when communication is part of recipient's official duties related to an appointment required by Oregon Constitution or state statute. Excludes periods of time during which public employee takes time off for meal or rest breaks, or other allowable time, in accordance with Oregon labor laws, from meaning of when employee is on job during work hours.

ISSUES DISCUSSED:

- Clarification of terminology and the prohibitions for public employees
- Measure does not include legislative measures
- Allowing certain duties of public employees that include the appointment of a person to public office

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Current law (ORS chapter 260) prohibits a public employee, while on the job during work hours, from promoting or opposing any political committee; the nomination or election of a candidate; the gathering of signatures on an initiative, referendum, or recall petition; the adoption of a measure; or the recall of a public office holder.

The term "candidate" is defined in ORS 260.005 (1)(a) and means an individual whose name is on a ballot, has filed candidate forms, or is expected to file; who has spent or received money to secure a nomination or an election to public office, or is a public office holder against whom a recall petition has been completed and filed. The term "public office" is defined in the same chapter as "any national, state, county, district, city office or position, except a political party office, that is filled by the electors" (ORS 260.005 (19)).

Senate Bill 168 B replaces the term "candidate" with "person to a public office" and clarifies that public employees are prohibited from promoting or opposing the appointment, nomination, or election of a person to an elected office while on the job during working hours or otherwise acting in the public employee's official capacity, except in certain situations where the public employee's official duties relate to an appointment required by Oregon Constitution or state statute. The measure also prohibits a public employee from promoting or opposing the filing of an initiative, referendum, or recall petition while on the job during working hours or otherwise acting in the public employee's official capacity.